

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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MARVIN J. PITSLEY,

Plaintiff,

v.

GLENN S. GOORD, LUCIEN J. LeCLAIRE,  
DONALD SELSKY, VICTOR HERBERT,  
RANDY JAMES, LT. T. DIXON,  
C.O. GARY PRITCHARD and R. TARGASZEWSKI,

Defendants.

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**DECISION  
and  
ORDER**

**04-CV-768S(F)**

By motion filed September 25, 2007, Plaintiff moves for an order to enforce a settlement (Doc. No. 65) ("Plaintiff's Motion"). In opposition, Defendants filed, on October 12, 2007, the Declaration of Kim S. Murphy, Assistant New York Attorney General, along with a copy of the Stipulation of Settlement and Order of Dismissal ("Murphy Declaration"), ("Defendants' Exhibit A"), ("Settlement Agreement") (Doc. No. 67), and the Declaration of Colin Campbell, Senior Budget Analyst, New York State Office of the Comptroller (Doc. No. 68) ("Campbell Declaration"). Plaintiff's Reply was filed October 19, 2007 (Doc. No. 70) ("Plaintiff's Reply"). Oral argument was deemed unnecessary. Based on its review of Plaintiff's Motion and Defendants' Declarations, the court finds Plaintiff has received slightly more than the full amount of the settlement to which he is entitled under paragraph 6 of the Settlement Agreement, including interest as applicable. Murphy Declaration ¶ 5; Campbell Declaration ¶ 4.<sup>1</sup>

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<sup>1</sup> The court notes that the interest rate under 28 U.S.C. § 1961, as provided by the Settlement Agreement, applicable to delayed payment of the settlement amount of \$3,000 was 4.91%. See attached. Calculated on the basis of .00013% per day for 27 days of overdue payment, Plaintiff was thus entitled to \$10.80 in interest. Plaintiff was in fact paid interest in the amount of \$10.85.

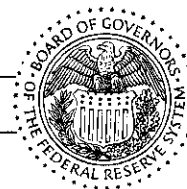
Accordingly, Plaintiff's motion is moot, and is therefore DISMISSED.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'Leskie G. Foschio', written over a horizontal line.

LESKIE G. FOSCHIO  
UNITED STATES MAGISTRATE JUDGE

Dated: October 25<sup>th</sup>, 2007  
Buffalo, New York



# FEDERAL RESERVE statistical release

## H.15 (519) SELECTED INTEREST RATES

For use at 2:30 p.m. Eastern Time

Yields in percent per annum

May 14, 2007

Instruments	2007 May 7	2007 May 8	2007 May 9	2007 May 10	2007 May 11	Week Ending		2007 Apr
						May 11	May 4	
Federal funds (effective) <sup>1 2 3</sup>	5.24	5.21	5.21	5.25	5.27	5.23	5.25	5.25
Commercial Paper <sup>3 4 5</sup>								
Nonfinancial								
1-month	5.22	5.19	5.20	5.20	5.22	5.21	5.22	5.23
2-month	5.20	5.21	5.19	5.19	5.19	5.20	5.23	5.21
3-month	5.17	5.18	5.17	5.18	5.17	5.17	5.18	5.20
Financial								
1-month	5.24	5.25	5.25	5.24	5.23	5.24	5.24	5.24
2-month	5.23	5.23	5.22	5.22	5.23	5.23	5.24	5.24
3-month	5.23	5.21	5.23	5.23	5.23	5.23	5.23	5.23
CDs (secondary market) <sup>3 6</sup>								
1-month	5.28	5.28	5.28	5.29	5.28	5.28	5.28	5.29
3-month	5.31	5.31	5.31	5.31	5.31	5.31	5.31	5.31
6-month	5.31	5.31	5.31	5.32	5.30	5.31	5.31	5.31
Eurodollar deposits (London) <sup>3 7</sup>								
1-month	5.30	5.32	5.32	5.30	5.30	5.31	5.32	5.31
3-month	5.32	5.35	5.35	5.32	5.32	5.33	5.35	5.34
6-month	5.35	5.35	5.35	5.34	5.32	5.34	5.35	5.34
Bank prime loan <sup>2 3 8</sup>	8.25	8.25	8.25	8.25	8.25	8.25	8.25	8.25
Discount window primary credit <sup>2 9</sup>	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25
U.S. government securities								
Treasury bills (secondary market) <sup>3 4</sup>								
4-week	4.65	4.66	4.65	4.67	4.65	4.66	4.64	4.89
3-month	4.77	4.76	4.74	4.73	4.73	4.75	4.77	4.87
6-month	4.83	4.82	4.79	4.75	4.72	4.78	4.82	4.86
Treasury constant maturities								
Nominal <sup>10</sup>								
1-month	4.76	4.76	4.75	4.77	4.75	4.76	4.74	4.99
3-month	4.89	4.90	4.88	4.87	4.87	4.88	4.90	5.01
6-month	5.03	5.02	4.99	4.95	4.91	4.98	5.02	5.07
1-year	4.92	4.91	4.90	4.86	4.85	4.89	4.90	4.93
2-year	4.68	4.68	4.73	4.70	4.71	4.70	4.65	4.67
3-year	4.58	4.58	4.64	4.60	4.62	4.60	4.58	4.60
5-year	4.55	4.54	4.58	4.56	4.58	4.56	4.55	4.59
7-year	4.57	4.56	4.60	4.58	4.60	4.58	4.58	4.62
10-year	4.64	4.63	4.67	4.65	4.67	4.65	4.65	4.69
20-year	4.86	4.87	4.91	4.90	4.92	4.89	4.89	4.95
30-year	4.79	4.80	4.83	4.83	4.85	4.82	4.82	4.87
Inflation indexed <sup>11</sup>								
5-year	2.18	2.16	2.20	2.15	2.20	2.18	2.10	2.12
7-year	2.21	2.21	2.24	2.20	2.23	2.22	2.15	2.20
10-year	2.27	2.27	2.29	2.27	2.30	2.28	2.22	2.26
20-year	2.36	2.37	2.39	2.38	2.41	2.38	2.33	2.35
Inflation-indexed long-term average <sup>12</sup>	2.35	2.35	2.38	2.37	2.40	2.37	2.31	2.34
Interest rate swaps <sup>13</sup>								
1-year	5.32	5.32	5.32	5.34	5.32	5.32	5.32	5.30
2-year	5.08	5.08	5.08	5.12	5.08	5.09	5.08	5.06
3-year	5.01	5.01	5.01	5.05	5.00	5.02	5.01	5.01
4-year	5.01	5.00	5.01	5.04	5.00	5.01	5.01	5.02
5-year	5.02	5.02	5.03	5.06	5.01	5.03	5.04	5.05
7-year	5.08	5.07	5.08	5.11	5.07	5.08	5.10	5.12
10-year	5.17	5.17	5.18	5.20	5.17	5.18	5.20	5.21
30-year	5.37	5.36	5.38	5.40	5.38	5.38	5.40	5.42
Corporate bonds								
Moody's seasoned								
Aaa <sup>14</sup>	5.41	5.42	5.42	5.41	5.43	5.42	5.40	5.47
Baa	6.28	6.29	6.32	6.31	6.33	6.31	6.31	6.39
State & local bonds <sup>15</sup>				4.24		4.24	4.25	4.26
Conventional mortgages <sup>16</sup>				6.15		6.15	6.16	6.18

See overleaf for footnotes.